

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

-----	:	C.A. No. 16-cv-12653-ADB (Direct)
In re INTUNIV ANTITRUST LITIGATION	:	16-cv-12396-ADB (Indirect)
	:	
	:	REDACTED PUBLIC VERSION
	:	
	:	
	:	
This Document Relates to: <i>All Actions</i>	:	
	:	
	:	
-----	:	

**SUPPLEMENTAL DECLARATION OF JOSHUA S. BARLOW, ESQ. IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, DEFENDANTS'
OPPOSITIONS TO PLAINTIFFS' MOTIONS FOR SUMMARY JUDGMENT, AND
RELATED FILINGS**

I, JOSHUA S. BARLOW, ESQ., hereby declare as follows:

1. I am an attorney at law of the Commonwealth of Massachusetts, where I am a member in good standing of the bar. I am a partner at the Boston office of Haug Partners LLP. I am counsel for Defendants Shire LLC and Shire U.S., Inc. (collectively, “Shire”) in connection with this matter.

2. I submit this Declaration in support of Defendants’ Motion for Summary Judgment, Defendants’ Oppositions to Plaintiffs’ Motions for Summary Judgment, and related filings. This Declaration is made on personal knowledge.

3. I affirm that each of the following documents cited in Defendants’ Motion for Summary Judgment, Defendants’ Oppositions to Plaintiffs’ Motions for Summary Judgment, and related filings, attached hereto as exhibits, are true and correct copies of what they purport to be:

4. Exhibit 29A-1 is the Expert Report of Harsha Murthy, with exhibits thereto, dated May 31, 2019 (this exhibit has been filed under seal).

5. Exhibit 179 is the transcript of the deposition of Jennifer Wu, dated August 8, 2018 (this exhibit has been filed under seal).

6. Exhibit 180 is the transcript of the deposition of Douglas Boothe, dated August 10, 2018 (this exhibit has been filed under seal).

7. Exhibit 181 is the transcript of the deposition of Andrea Sweet, dated September 12, 2018 (this exhibit has been filed under seal).

8. Exhibit 182 is the Actavis Defendants’ Amended Objections and Responses to Direct Purchaser Plaintiffs’ Second Set of Interrogatories, dated October 24, 2018 (this exhibit has been filed under seal).

9. Exhibit 183 is the Actavis Defendants' Responses and Objections to Indirect-Purchaser Plaintiffs' First Set of Interrogatories, dated December 21, 2017 (this exhibit has been filed under seal).

10. Exhibit 184 is Actavis production document Actavis-Int-0091423 (this exhibit has been filed under seal).

11. Exhibit 185 is Actavis production document Actavis-Int-0093681 (this exhibit has been filed under seal).

12. Exhibit 186 is Actavis production document Actavis-Int-0093891 (this exhibit has been filed under seal).

13. Exhibit 187 is Actavis production document Actavis-Int-0147051 (this exhibit has been filed under seal).

14. Exhibit 188 is Actavis production document Actavis-Int-0175044 (this exhibit has been filed under seal).

15. Exhibit 189 is Actavis production document Actavis-Int-0092313, Boothe deposition exhibit 6 (this exhibit has been filed under seal).

16. Exhibit 190 is Actavis production document Actavis-Int-0133015, Clark deposition exhibit 10 (this exhibit has been filed under seal).

17. Exhibit 191 is Shionogi production document SHIONOGI_000001 (this exhibit has been filed under seal).

18. Exhibit 192 is Shire production document SHIREINT0255678 (this exhibit has been filed under seal).

19. Exhibit 193 is Shire production document SHIREINT0230750 (this exhibit has been filed under seal).

20. Exhibit 194 is Shire production document SHIREINT0275969 (this exhibit has been filed under seal).

21. Exhibit 195 is Shire production document SHIREINT0226487, Badali deposition exhibit 3 (this exhibit has been filed under seal).

22. Exhibit 196 is Shire production document SHIREINT0258012 (this exhibit has been filed under seal).

23. Exhibit 197 is Shire production document SHIREINT0229227 (this exhibit has been filed under seal).

24. Exhibit 198 is the Affidavit of Professor Alexander M. Klibanov, dated September 5, 2019, attaching exhibits 198A and 198B (this exhibit has been filed under seal). Exhibit 198A is the Expert Report of Professor Alexander M. Klibanov, dated May 31, 2019 (this exhibit has been filed under seal). Exhibit 198B is the Reply Expert Report of Professor Alexander M. Klibanov, dated July 12, 2019 (this exhibit has been filed under seal).

25. Exhibit 199 is the excerpted civil docket report for case 1:14-md-02503-DJC, *In Re Solodyn Antitrust Litigation* (this exhibit has been filed under seal).

26. Exhibit 200 is the final pretrial conference transcript for case no. 1:14-md-02503-DJC, *In Re Solodyn Antitrust Litigation*, dated March 7, 2018 (this exhibit has been filed under seal).

27. Exhibit 201 is the 2013 Aetna Preferred Drug Guide (this exhibit has been filed under seal).

28. Exhibit 202 is the 2013 Kaiser Permanente Comprehensive Formulary (this exhibit has been filed under seal).

29. Exhibit 203 is the 2013 Prescription Drug List Quick-Reference Guide, United Healthcare of River Valley (this exhibit has been filed under seal).

30. Exhibit 204 is the Eli Lilly & Co. U.S. Affiliate Brand Plan for Strattera, 2013 (this exhibit has been filed under seal).

31. Exhibit 205 is the 2014 Aetna Preferred Drug (formulary) Guide (this exhibit has been filed under seal).

32. Exhibit 206 is the Sur-rebuttal Report of Professor James W. Hughes, Ph.D., dated May 16, 2019 (this exhibit has been filed under seal).

33. Exhibit 207 is the Am. Acad. Of Pediatrics Clinical Practice Guideline, ADHD: Clinical Practice Guideline for the Diagnosis, Evaluation, and Treatment of Attention-Deficit/Hyperactivity Disorder in Children and Adolescents, Pediatrics, Volume 128, Number 5, November 2011 (this exhibit has been filed under seal).

34. Exhibit 208 is the ADHD Parents Medication Guide, Am. Acad. of Child and Adolescent Psychiatry and Am. Psychiatric Assoc. (Rev. July 2013) (this exhibit has been filed under seal).

35. Exhibit 209 is Berndt, et al., The Roles of Marketing, Product Quality, and Price Competition in the Growth and Composition of the U.S. Antiulcer Drug Industry. The Economics of New Goods, June 1996, pp. 277-328 (this exhibit has been filed under seal).

36. Exhibit 210 is Connecticut Medicaid P&T Meeting Minutes, November 19, 2014 (this exhibit has been filed under seal).

37. Exhibit 211 is Felt, et al., Diagnosis And Management Of ADHD in Children, Am. Acad. of Family Physicians, Vol. 90, No. 7, pp. 456-464 (2014) (this exhibit has been filed under seal).

38. Exhibit 212 is the Maine Drug Utilization Review Board Meeting Minutes, October 14, 2014 (this exhibit has been filed under seal).

39. Exhibit 213 is the Mississippi Division of Medicaid, Pharmacy & Therapeutics Committee Meeting Minutes, October 23, 2012 (this exhibit has been filed under seal).

40. Exhibit 214 is Managing Medication for Children and Adolescents with ADHD, National Research Center on ADHD, 2015 (this exhibit has been filed under seal).

41. Exhibit 215 is the Nebraska Division of Medicaid and Long-Term Care Pharmaceutical and Therapeutics Committee Meeting Minutes, November 14, 2012 (this exhibit has been filed under seal).

42. Exhibit 216 is Shire production document SHIREINT0214658 (this exhibit has been filed under seal).

43. Exhibit 217 is Shire production document SHIREINT0228976 (this exhibit has been filed under seal).

44. Exhibit 218 is Southammakosane and Schmitz, Pediatric Psychopharmacology for Treatment of ADHD, Depression, and Anxiety, Pediatrics, Vol. 136, No. 2, Aug. 2015) (this exhibit has been filed under seal).

45. Exhibit 219 is University of Michigan Medicine, Attention-Deficit Hyperactivity Disorder, UMHS Attention Deficit Disorder Guideline, 1-48 (April 2013) (this exhibit has been filed under seal).

46. Exhibit 220 is Actavis production document Actavis-Int-0082009 (this exhibit has been filed under seal).

47. Exhibit 221 Elzinga, et al., The Lerner Index of Monopoly Power: Origins and Uses, American Economic Review: Papers & Proceedings 2011, 101:3, 558-564 (May 2011) (this exhibit has been filed under seal).

48. Exhibit 222 is Shire production document SHIREINT0145537 (this exhibit has been filed under seal).

49. Exhibit 223 is Shire production document SHIREINT0228975 (this exhibit has been filed under seal).

50. Exhibit 224 is an Order from *Chrimar Sys. Inc. v. Adtran, Inc.*, No. 6:15: cv-00618-JRG, (E.D. Tex. Nov. 7, 2016) (this exhibit has been filed under seal).

51. Exhibit 225 is Shire production document SHIREINT 0224353 (this exhibit has been filed under seal).

Signed under the pains and penalties of perjury this 29th day of October, 2019

/s/ Joshua S. Barlow

CERTIFICATE OF SERVICE

I, Joshua S. Barlow, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on this 1st day of November, 2019.

*/s/ Joshua S. Barlow*_____

EXHIBIT 29A-1
FILED UNDER SEAL

EXHIBIT 178
FILED UNDER SEAL

EXHIBIT 179
FILED UNDER SEAL

EXHIBIT 180
FILED UNDER SEAL

EXHIBIT 181
FILED UNDER SEAL

EXHIBIT 182
FILED UNDER SEAL

EXHIBIT 183
FILED UNDER SEAL

EXHIBIT 184
FILED UNDER SEAL

EXHIBIT 185
FILED UNDER SEAL

EXHIBIT 186
FILED UNDER SEAL

EXHIBIT 187
FILED UNDER SEAL

EXHIBIT 188
FILED UNDER SEAL

EXHIBIT 189
FILED UNDER SEAL

EXHIBIT 190
FILED UNDER SEAL

EXHIBIT 191
FILED UNDER SEAL

EXHIBIT 192
FILED UNDER SEAL

EXHIBIT 193
FILED UNDER SEAL

EXHIBIT 194
FILED UNDER SEAL

EXHIBIT 195
FILED UNDER SEAL

EXHIBIT 196
FILED UNDER SEAL

EXHIBIT 197
FILED UNDER SEAL

EXHIBIT 198
FILED UNDER SEAL

EXHIBIT 198A
FILED UNDER SEAL

EXHIBIT 198B
FILED UNDER SEAL

EXHIBIT 199
FILED UNDER SEAL

EXHIBIT 200
FILED UNDER SEAL

EXHIBIT 201
FILED UNDER SEAL

EXHIBIT 202
FILED UNDER SEAL

EXHIBIT 203
FILED UNDER SEAL

EXHIBIT 204
FILED UNDER SEAL

EXHIBIT 205
FILED UNDER SEAL

EXHIBIT 206
FILED UNDER SEAL

EXHIBIT 207
FILED UNDER SEAL

EXHIBIT 208
FILED UNDER SEAL

EXHIBIT 209
FILED UNDER SEAL

EXHIBIT 210
FILED UNDER SEAL

EXHIBIT 211
FILED UNDER SEAL

EXHIBIT 212
FILED UNDER SEAL

EXHIBIT 213
FILED UNDER SEAL

EXHIBIT 214
FILED UNDER SEAL

EXHIBIT 215
FILED UNDER SEAL

EXHIBIT 216
FILED UNDER SEAL

EXHIBIT 217
FILED UNDER SEAL

EXHIBIT 218
FILED UNDER SEAL

EXHIBIT 219
FILED UNDER SEAL

EXHIBIT 220
FILED UNDER SEAL

EXHIBIT 221
FILED UNDER SEAL

EXHIBIT 222
FILED UNDER SEAL

EXHIBIT 223
FILED UNDER SEAL

EXHIBIT 224
FILED UNDER SEAL

EXHIBIT 225
FILED UNDER SEAL